THE DEPUTY CHAIRMAN: Why do you want to do that? I will permit you to speak on this.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE EMPLOYEES PROVIDENT FUNDS ANDMISCELLANEOUS PROVISIONS (AMENDMENT) THIRD ORDINANCE, 1996 (NO. 24 OF 1996)PROMULGATED BY THE PRESIDENT ON THE 20TH JUNE, 1996

II. THE EMPLOYEES' PROVIDENT FUNDS AND MISCELLANEOUS PROVISIONS (AMENDMENT) BILL, 1993

SHRI SATISH AGARWAL: (Rajasthan): No, Madam; I want to move it. I move—

> "That this House disapproved the Employees Provident Funds and Miscellaneous Provisions (Amendment) Third Ordinance, 1996 (No. 24 of 1996) promulgated by the President on the 20th June, 1996:"

I am moving this Statutory Resolution on two counts. One, because I have always been opposed to promulgation of ordinances and governance of the country through other agencies. The second one is, it has come to my notice that the Government of India is paying a meagre interest of 8% on Rs. 9000 crores which is deposited under this pension scheme. This amounts to exploitation of the workers or the employees. So, with this observation, I wish that hon. Minister will give an undertaking and assurance that so far as the workers' or employees' deposits in the pension funds are concerned, the Finance Ministry or the Government of India will not exploit it to their advantage and cheat them by paying a meagre interest of 8%. Here, I would like to point out that the Government of India itself is having the market borrowing at 14% to 15% and the general market rate of lending is 20% to 22%. So, in this liquidity crunch, it is really criminal on the part of the Government of India to misuse these funds. So, I demand that market rate interest should be paid on all these pension funds. The same question I raised earlier with respect to Railways also. With these two observations, 1 formally move my motion later on to withdraw my resolution.

THE DEPUTY CHAIRMAN: Shri Arunachalam.

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM): Madam Deputy Chairma, I beg to move—

> "That the Bill further to amend the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, as reported by the Select Committee, be taken into consideration."

THE DEPUTY CHAIRMAN: I think earlier also we have discussed this Bill ...*(Interruptions)*. . We have passed it actually *(Interruptions)*.

SHRIMATI MARGARET ALVA (Karnataka): Madam, there was also a unanimous report from the Standing Committee.

THE DEPUTY CHAIRMAN: I remember correctly on the same day... *(Interruptions)*

SHRI RAGHAVJI (Madhya Pradesh): It was not discussed.

THE DEPUTY CHAIRMAN: You are talking about now about this week. It was in the previous session, the Congress Government brought it. Anyway, Mr. Minister, you can speak now.

SHRI M. ARUNACHALAM: Madam, as the hon. Members are aware, the Employees Provident Funds and Miscellaneous Provisions Act, 1952 provides for institution of compulsory Provident Fund and Deposit-Linked Insurance Fund for' the benefit of employees in factories "and other establishments. These schemes constitute the main source of income security for

workers in old age and to their families and dependents in the event of their untimely death. Our Provident Fund Scheme is one of the largest schemes in the world in terms of coverage and benefits provided. It covers most of the industrial and other establishments employing 20 or more persons. As on 31.3.1996 the total number of establishments covered was about 2.64 lakh while the number of subscribers was 19.5 million. Madam, family pension was introduced in 1971, but it has been found wanting as it did not provide for pension to a member on superannuation or on retirement; pension to the family on death after superannuation, retirement; pension on permanent total disablement; children/orphan pension.

In the field of social security, thc main endeavour of Government has been to expand the coverage, to improve the benefits and to provide prompt services to the subscribers. In furtherance of these objectives, in August 1990 the Central Board of Trustees had set up a Tripartite Committee to draft a suitable Pension Scheme for the EPF subscribers covered under the Employees Provident Fund and Miscellaneous Act. The Committee submitted its report in December 1990. The Central Board of Trustees approved the scheme and recommended it to the Central Government for acceptance. The Central Government examined the prop-osal keeping in view the needs and aspirations of the working class and decided to amend the Employees' Provident Fund and Miscellaneous Provisions Act for the purpose of empowering the Central Government to frame an Employees' Pension Scheme. Necessary Amendment Bill in this regard was introduced in the Rajya Sabha on 29.3.93. The Bill has been pending in this House for over three years. Meanwhile, a large number of workers subscribing to the EPF were retiring without the benefits of pension. A number of representations from various quarters were received for expediting implementation of the pension scheme.

Keeping in view the aspirations of the working class and the long time-lag in the matter, the hon. President was pleased to promulgate an Ordinance on 17.10.1995 so as to give effect to the provisions of the Employees' Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1993 with certain amendments. With certain official amendments, Madam, under the Employees Provident Fund and Miscellaneous Provisions Act amended by the Ordinance, the Government has framed and notified the Employees Pension Scheme for implementation with effect from 16.11.95. The scheme inter-alia provides for monthly pension payable to the member on superannuation or retirement; to the member on permanent total disablement. Madam, under the Employees Pension Scheme, neither the employees nor the employers arc required to make any additional contribution to the Pension Fund.

The Pension Fund has been constituted with the corpus of the Family Pension Fund and diversion of the employers' share of PF contribution limited to 8.33 per cent of the subscriber's wage from 16.11.1995. The employees' share and the balance of the employers' share would continue constituting the corpus of the Povident Fund. The employees can draw advance from this Fund as at present. Thus, there will be no change in the present scheme of withdrawal from the Provident Fund in the case of *bona fide* requirements of the employees.

The minimum contributory service to become eligible for pension is ten years. The Pension Scheme is compulsory for all the members of the existing Family Pension Scheme. The employees who are not members of the Family Pension Scheme have an option to join the new Pension Scheme. The Family Pension Scheme, 1971, along with its assets has been merged with the new Pension Scheme, but the beneficiaries of the Family Pension Scheme will continue to get their benefits from the new Pension Fund.

The amount of pension payable to the employees in different contingencies will vary from case to case, depending upon the pensionable salary and pensionable service of the member. With thirty-three years contributory service, normal superannuation pension will be fifty per cent of the pensionable salary.

The new Pension Scheme was initially conceived as a self-supporting scheme. However, on demand from the trade unions, the Government has also agreed to contribute to the scheme at the rate of 1.16 per cent of the wage.

The Employees' Deposit-Linked Insurance Scheme, 1976, will continue as at present. However, it is proposed to discontinue the contribution of the Central Government, which is about Rs. 30 crores towards the EDLI Scheme, as the EDLI Fund has got adequate surplus and is viable.

The Central Government may grant exemption to any establishment or class of establishments whose employees are in receipt of benefits under any pension scheme which is similar or superior to the Pension Scheme framed under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

The provisions of the Bill and the scheme have been examined and approved by the Standing Committee of Parliament on Labour and Welfare, subject to certain recommendations, most of which have already been accepted and incorporated in the scheme.

Detailed discussions have been held with the representatives of the Central trade union organisations, both before and after the introduction of the scheme, and most of the suggestions made by them have already been accepted. Some of the important suggestions incorporated, on the basis of discussions with the Central trade union organisations, include the following, i.e. facility of commutation of pension; uniformity in entitlement of pension to children, irrespective of gender; provision for annual valuation of the Pension Fund and revision of pensionary benefits, as against the initial provision of three years; guaranteed payment of pension even in the event of default on the part of the employer in the matter of making PF contribution.

The suggestion regarding individual option to the members has been examined. It has, however, not been found feasible to allow individual option in view of the following reasons. Firstly, the scheme is compulsory for all the employees who are members of the Employees' Family Scheme, 1971. The benefits which are available to them under the ceased Employees' Family Pension Scheme are being carried over to the new scheme. It is, therefore, necessary to keep them covered under the new scheme as well.

For the Pension Scheme to be sustainable, it is necessary that there is. definite-ness about the contribution to the Pension Fund. The actuarial calculations will just not be feasible if individual options were given because, in that event, there would be no such definiteness.

Thirdly, Madam, collectively and not individuality is the essence of social security. In keeping with this spirit, a provision has been made in the scheme for the grant of exemption to establishments if they have their own comparable or a superior pension scheme.

Similarly, the suggestion regarding linkage of pensionary benefits with the Consumer Price Index has not been found feasible because of the following reasons:

(a) The Pension Scheme is a con tributory scheme, and in such contributory schemes any open-ended indexation is not poss ible. Increase in pension from time to time would be possible only if the fund position so permits.

(b) The Scheme, as initially notified, had a provision for evaluation of the pension fund at an interval of three years. On the demand of the

central trade union organizations, the Government have already decided to have the evaluation of the pension fund and review of all pensionary benefits on all annual basis. The fund position so permitting, the employees are expected to get some increase in pension every year.

Madam, as already mentioned, the Scheme has already been notified and has been implementation since 16.11.1995, With the promulgation of the Ordinance, the Employees' Family Pension Scheme, 1971 has ceased to be operative and the pensionary benefits to about 1.5 lakh families (which were earlier available under the ceased Employees' Family Pension Scheme) are being given from out of the Pension Fund. In addition, over 70,000 persons/dependents have started getting pension under the new Employees' Pension Scheme, 1995. After the introduction of the scheme with effect from 16.11.1995, notices for consideration and passing of the Amendment Bill were sent in each session of Parliament held after 16,11.1995. However, for one reason or the other, the Bill could not be taken up[1] for consideration. This necessitated promulgation of Ordinances on 5.1.1996, 27.3.1996 and 20.6.1996 so as to ensure continuity of the Scheme. In the event of the Ordinance not being replaced by a regular law immediately, there will be a total vacuum inasmuch as there will neither be the Employees' Family Pension Scheme nor the Employees' Pension Scheme, 1995. It would be difficult to make payment of pensionary benefits to about 1.5 lakh families which were getting pensionary benefits under the ceased Employees' Family Pension Scheme, 1971. Similarly, it will not be possible to make payment of any pensionary benefits to over 70,000 persons/ dependents who have started getting pension under' the Employees' Pension Scheme of 1995.

The Standing Committee for Labour and Welfare examined the contents of the Amendment Bill as also the provisions of the Scheme. A copy of the report of the Standing Committee has already been laid on the Table of this House on 6th March 1996. The Select Committee of this House also examined the provisions of the Amendment Bill as also the Pension Scheme and has cleared the same. The report of the Select Committee has already been laid on the Table of this House on 26th July 1996.

I am moving this Bill with total openness and I assure this House that there will be continuous evaluation of the pension fund and, if the fund position so permits, Government would try to make the pensionary benefits more liberal in the overall interest of the working class. I hope hon. Members would welcome the proposed amendments.

Madam, my friend, Mr. Agarwal, has talked about the interest part of the deposits. Of course, I have to take it to the Finance Minister and, after consulting him, I will come back to the House. I hope Mr. Agarwal will accept this proposal and withdraw his Resolution.

Madam, with these words, I commend the Bill for the consideration of this House.

The questions were proposed.

श्री राघवजी: उपसभापति महोदया, मैं इस प्रोविडेंट फंड अमेंडमेंट बिल के समर्थन में खड़ा हुआ हूं। वैसे भी यह बिल स्टैंडिंग कमेटी और सलेक्ट कमेटी में पास किया जा चुका है। वास्तव में यह बिल महत्वपूर्ण है। 1 करोड़ 60 लाख कर्मचारियों पर इसका प्रभाव पड़ेगा। इन सब की मांग बड़े लम्बे समय से चली आ रही थी। 1990 में इम्पलाईज प्रोविडेंट फंड आर्गनाइजेशन ने एक सब-कमेटी बनाई और 5.3.1991 को उसकी रिपोर्ट सर्वसम्मति से ट्रस्ट बोर्ड ने पास की और उसके बाद प्रोविडेंट फंड स्कीम, पेंशन स्कीम को शामिल किया गया।

इसके पूर्व परिवार पेंशन योजना थी लेकिन वह बहुत सीमित थी और उसके कारण ही उसके व्यापक बनाने की आवश्यकता थी। परिवार पेंशन योजना में यह सीमित मात्रा में पेंशन मिला करती थी जिससे इसका

उद्देश्य पूरा नहीं होता था। सोशल सिक्युरिटी वाली भावना का भी इनमें अभाव रहता था और इस कारण इस नयी पेंशन योजना की ज्यादा जरूरत थी। हालांकि बहुत देर से आए लेकिन दुरुस्त आए। देर से आए लेकिन दुरुस्त थोड़ा ही आए हैं, इसलिए इसमें ज्यादा कुछ करने की जरूरत है। जिस वक्त 1990 में बोर्ड आफ ट्रस्टीज़ में यह स्कीम विचाराधीन थी, उस वक्त भी दो सदस्यों ने कुछ सुझाव रखे थे। तब यह कहा गया कि पहले एक बार अधिकार मिल जाए पेंशन स्कीम बनाने का तो उसके बाद सुझावों पर विचार करेंगे। श्री दवे और श्री वेंकटराम दो सदस्यों ने काफी सुझाव दिये थे। इसमें संशोधन करने की, सुधार करने की आवश्यकता थी लेकिन उनको यह आश्वासन दिया गया था कि एक बार अधिकार शासन को मिल जाए पेंशन स्कीम इम्पलाइज़ प्रोविडेंट फंड के तहत बनाई जा सकती है तो उसके बाद हम विचार करेंगे। तब उन लोगों ने विरोध छोड़ दिया था। इसलिए यह योजना सर्व सम्मति से पास हुई। वास्तव में यह अडीशनल थर्ड बेनिफिट के रूप में कर्मचारियों को मिलनी चाहिये थी, इसके पीछे कल्पना भी यही थी कि प्रोविडेंट फंड अपनी जगह पर है, ग्रेच्युटी अपनी जगह पर है और इसके अतिरिक्त पेंशन मिलनी चाहिये लेकिन जो अभी प्रावधान किये गये है उसमें जो इंपलायर का कंट्रीब्यूशन है वह पूरा का पूरा कंट्रीब्यूशन इसमें डाल दिया गया है पेंशन योजना के अन्तर्गत और पेंशन फंड के अन्तर्गत वह पूरा पैसा डाल दिया गया है। इसलिए कर्मचारियों को कोई नया लाभ इससे नहीं मिल रहा है। अपना ही पैसा है जो कि उनको इंपलायर्स कंट्रीब्यूशन के रूप में मिला करता था अब उसी पैसे पर केवल उनको ब्याज प्राप्त हो रहा है। इसलिए कोई आकर्षक योजना नहीं बन पाई है। यही कारण है कि जो थोड़ी अधिक तनख्वाह पा रहे हैं वह सब लोग इसका विरोध कर रहे है। वैसे जब तक उनको विश्वास में नहीं लिया जाएगा तब तक यह कर्मचारियों के हित की योजना नहीं बन पाएगी। उदाहरण के लिए मैं बताऊं कि एक प्रकार से कर्मचारियों को ठगा गया है इस योजना के तहत कोई अतिश्योक्ति नहीं होगी। अगर एक कर्मचारी पांच हजार रुपये प्रति मास वेतन पाता है तो बीस वर्ष में जो इंपलायर्स कंट्रीब्यूशन होता है वह एक लाख रुपये होता है और उस पर जो कम्पुलेटिव ब्याज जमा होता है वह लगभग 42,800 रुपये होता है तो कुल मिला कर 1,42,800 रुपये बीस वर्षों में जमा हो जाते है। अब उसको पेंशन कितनी मिलेगी? पेंशन केवल मिलेगी 1428 रुपये प्रतिमाह जो कि वास्तव में उसकी जमा राशि है उसका केवल एक प्रतिशत है। अब यह एक प्रतिशत उसको पेंशन मिल रही है। वास्तव में मूलधन तो उसका समाप्त हो गया, वह कभी वापिस मिलने वाला नहीं है। जो कुछ ब्याज के रूप में अगर मिल रहा है तो वह केवल एक परसेंट मिल रहा है। वास्तव में यह बहुत कम है और यह एक प्रकार से ठगी का काम है। अगर वह पैसा 1,42,800 रुपये कहीं ब्याज पर भी लगाया जाता तो उसको कम से कम 12 प्रतिशत ब्याज मिलता तब उसको 1800 रुपये मिलते जबकि उसको 1428/- पेंशन मिलने वाली है। इस प्रकार से जिनकी आमदनी प्रतिमास तीन-चार हजार रुपये या अधिक है उनको इसमें घाटा होने वाला है लेकिन चूंकि इसमें यह सोशल सिक्युरिटी की बात है और उस के कारण ही पेंशन की आवश्यकता है, पेंशन नियमित रूप से मिलती है, इकट्ठा पैसा खर्च हो जाता है, बर्बाद हो जाता है, गरीब कर्मचारी उसको सम्भाल कर रख नहीं पाता है। इसलिए उन कर्मचारियो के लिए इस योजना को एक प्रकार से लागू करने की आवश्यकता थी। इसी उद्देश्य के कारण ही इसमें सुधार कर लिया जाएगा, जैसे माननीय मंत्री जी ने अभी आश्वासन दिया है कि समय-समय पर इसका इवेल्यूयेशन और रिव्यु होता रहेगा और बाद में संशोधन कर लिये जाएंगे। हम यह उम्मीद करते हैं कि इसको और अधिक आकर्षक बनाया जाएगा और कर्मचारियों को जो बेनिफिट मिल रहा है पेंशन के रूप में उसमें और भी वृद्धि की जाएगी। इस उम्मीद के साथ हम इसका समर्थन कर रहे हैं। इसमें जो पेंशन मिल रही है वह वास्तव में जितनी कुल राशि जमा है कर्मचारी के इंपलायर के कंट्रीब्यूशन की रिटायरमेंट के समय बनती है, उसका कम से कम सवा परसेंट पेंशन मिलनी चाहिये।

7.00 P.M.

आज वह एक परसेंट भी नहीं मिल पा रहा है कई मामलों में। तो यह बढ़ाकर अगर सवा परसेंट करेंगे तो थोड़ा बहुत इसमें कुछ गुंजाइश हो जाएगी। फिर माननीय मंत्री जी ने कह दिया कि उसको कंज्यूमर प्राइस इंडेक्स के साथ नहीं जोड़ सकते हैं। लेकिन मेरा उनसे निवेदन है कि जब आप हर वर्ष वैल्युएशन करने के लिए बैठेंगे तो वैल्युएशन करते वक्त रिव्यू जरूर कर लीजिएगा कि क्या प्राइस इंडेक्स के साथ उसको जोड़ सकते हैं कि नहीं जोड़ सकते हैं। आज अगर किसी व्यक्ति को पेंशन रिटायर होने के वक्त सौ रुपए मिलती है और दस साल के बाद भी अगर सौ रुपए मिलेगी तो वास्तव में यह उनके साथ अन्याय है क्योंकि सौ रुपए की कीमत दस वर्ष के बाद घटने वाली है। इसलिए अगर कर्मचारी यह मांग करते हैं कि उसको कंज्यूमर प्राइस इंडेक्स के साथ

जोड़ा जाए तो यह गलत नहीं है। इसलिए इस बात पर विचार करना चाहिए कि जब इसका रिव्यू करेंगे तो इसमें उसको जरूर जोड़ेंगे। माननीय अग्रवाल जी ने कहा कि 9 हजार करोड़ रुपया जो फेमिली पेंशन फंड का इकट्ठा हुआ था वह शासन के पास साढ़े 8 परसेंट के ब्याज में जमा है। वैसे यह पैसा अगर बाजार भाव से जमा होता या रीजनेबुल भाव भी जो होते हैं सिक्योरिटीज के, उस भाव में भी पहले जमा होता तो यह 9 हजार करोड़ रुपए के बजाए 15 हजार करोड़ रुपए आज जमा होता कर्मचारियों का। 6 हजार करोड़ का तो कर्मचारियों को वैसे ही आप घाटा दे चुके हो कम से कम भगवान के लिए यह व्यवस्था तो कर दो कि आगे से वह घाटा कर्मचारियों के खाते में न जाए और इसको कम से कम 15-16 परसेंट की जो सिक्योरिटीज हैं जो गवर्नमेंट की ही सिक्योरिटीज हैं जिसमें ब्याज 15-16 परसेंट मिलता है जैसे इंदिरा विकास पत्र हैं, किसान विकास पत्र है जिनमें कि 16 परसेंट मिला है, उनमें आप लगाएंगे ताकि यह ब्याज दुगना मिले। आप क्यों साढ़े 8 परसेंट का ब्याज देकर कर्मचारियों को लूट रहे हैं। इस लूट को आप बंद करिए।

उपसभापतिः राधवजी, आपने कहा, भगवान के लिए। भगवान को तो इस पैसे की जरूरत नहीं है। इन्सान के लिए है।

श्री राधवजीः भगवान कर्मचारियों के हित में काम करता है।

उपसभापतिः भगवान को तो कोई जरूरत नहीं है प्राविडेंट फंड की।

श्रीमती मारग्रेट आल्वाः राधवजी, जल्दी करिए।

श्री राधवजीः बस दो मिनट और लूंगा। इसमें क्लाज 7 में आपने यह व्यवस्था की है कि ...(व्यवधान)

उपसभापतिः अब आपने कह दिया है। बैठ जाइए।

श्री राधवजीः केन्द्र सरकार को यह अधिकार है कि वह कुछ वर्गों को इसमें छूट भी दे देगी। वास्तव में यह छूट देने वाली व्यवस्था ठीक प्रकार से आप बनाएं और इसको लिबरल बनाएं ताकि ज्यादा से ज्यादा लोग इसमें से छूट ले सकें, अपनी स्वयं की अच्छी पेंशन योजना बना सकें और ऐसी पेंशन योजना अपनी स्वयं की बनाएं जिसमें कि उनको ज्यादा फायदा हो सके। इस प्रकार की छूट देने में आप कृपया कोताही न करें और इस प्रकार की व्यवस्था में यह सुधार करिए। यह मेरा आपसे निवेदन है।

फिर पेंशन योजना में कोई मकान आदि के लिए कर्ज आदि लेना पड़ता हो जो कर्मचारी की, मजदूरों की मांग है तो इस मांग को भी जब वैल्युएशन करेंगे तो आप उसमें शामिल करें तो अच्छा रहेगा।

प्राविडेंट फंड में भ्रष्टाचार वाली बात मैं आज नहीं कहना चाहूंगा किसी और वक्त में कहूंगा क्योंकि आज समय का अभाव है। तो इन सुझावों के साथ मैं इस पेंशन स्कीम का समर्थन करता हूं और स्वागत करता हूं।

SHRI V. NARAYANASAMY (Pondichcrry): Madam, 1 rise to support the Employees Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1993.

Madam, in the year 1993, when the Bill was brought replacing the Family Pension Scheme in the Rajya Sabha, it was referred to the Standing Committee and thereafter deliberations were held at various levels. Tripartite discussions between the trade union leaders, the management and the State Government representatives were also held. Ultimately, except one trade union, most of the trade unions had agreed for this scheme.

As per the old scheme that was prevailing then, the employee, on retirement, got the Provident Fund accumulations and also the gratuity. Under the Family Pension Scheme, which was introduced, and which was pending for some time, it was only the widow of the employee, who was entitled to the pension amount after the death of the employee. Under the new scheme, which is an innovative scheme, the widow and two children, who are up to the age of 25 years, arc entitled to pension. If the employee becomes disabled during his service, he is entitled to pension irrespective of the amount he had deposited lor the pension. Madam, after the death of an employee, his widow is entitled to the pension. Here under the new scheme, the employer's contribution would be 8.33 per cent and the Government's contribution would be 1.66 per, cent. The accumulated amount would be put in a corpus for the purpose of giving pension under the employees pension scheme.

Madam, when we go through the scheme, we find that there are various areas where the employees were not covered by the pension scheme. For example, the casual labourers, part-time employees, *badli* workers who have been working in various organisations and factories were not covered by the pension scheme. Now, they are being brought under the new scheme.

Madam, the important aspect of the scheme is that the family of the employee gets security for their future which was not there earlier. In those days when an employee retired, he got a lumpsum amount. He spend it for his family and also for the construction of a house. Thereafter there was nobody to take care of him. Even his children desert him. Therefore, to give social security to the employees and to their families, this scheme has been brought forward. Madam, there is one trade union organisation which is opposed to it. The Government has agreed to increase the ceiling limit which was fixed at Rs. 5,000. But one organisation is opposing it. I am pained to say that that organisation is for the organised employees association, not for the unorganised group. In this country, we find that only 10 to 15 per cent of the employees have been covered by the trade unions. The remaining are in the unorganised sector. The interest of those employees should be taken care of. Unfortunately, only for the purpose of protecting the interest of...

SHRI JIBON ROY (West Bengal): They are not covered by the existing scheme.

THE DEPUTY CHAIRMAN: That is what he was saying.

SHRI V. NARAYANASAMY: My concern is about the people who are part-time employees, who are casual labourers, persons who are working in the coir peeling side, persons who are working in the coir industry. They are the people whom I am representing. I am not representing the employees of the Philips. I am not representing the employees of the public sector .undertakings. These employees are getting a salary of Rs. 7,000 or Rs. 8,000 or Rs. 10,000 per month. So, Jibon Royji, kindly don't interrupt me when I am speaking.

Madam, my concern is in the larger interest of the poorer sections of the workers whose lives have to be safeguarded, whose families have to be given some protection. I am fighting for them. We are fighting for them. In the name of trade unions, we should not protect the rich employees. Let us protect the poor employees. Let us give them social security. Therefore, this scheme has been brought forward.

Madam, there is one argument. We want a third benefit. Who would give the third benefit? The third benefit. The third benefit would not be given to an employee, until and unless he contributes his labour. The Government cannot give gratis to the employees. The employees are getting their bonus. They are getting overtime allowance. All these things are there. Therefore, it is not the employee of the organised sector who should be given another benefit'.

Madam, another aspect which I would like to submit is the employees contribution is intact in the provident fund account of the employee. At the time of his retirement, he can get that money, but the employer's contribution of 8.33 per cent and the Government's contribution of 1.66 per cent would be accumulated. This amount would be given to him at the time of his retirement or if he dies his family members would get the full pension. After the employee retires, he would get the full pension. The children of the employees can enjoy the pension up to the age of 25.

Madam, one important thing is that if an employee gets a pension of Rs. 1,000 under the new scheme, he can reduce his pension by Rs. 100 from Rs. 1,000 and get a lumpsum of Rs. 1 lakh. Therefore, he can get Rs. 900 per month as a

pension. By sacrificing Rs. 100, he can get Rs. 1 lakh for the purpose of constructing a house or even for performing the marriage of his children. It is a very novel scheme. There is one argument. If the employee wants to opt out of the scheme, he should be given the choice. Our Select Committee went into it. It was made very clear that if the employee opted out of the scheme, the scheme would not be feasible. *(Interruption).* Mr. Jibon Roy, you ask the Minister. He will answer. Madam, there should be some sacrifice by the people who are above a certain limit. But they are not prepared. They want all the benefits to accrue immediately to the employees. It is not possible. It cannot be done. The option for the employees to choose should not be there. We have started the scheme now. Let the scheme work well. Let the employees get the benefit. If there are some faults, some mistakes, somewhere, we can improve upon the scheme.

Secondly, for the contribution that has been made by the employer and the Government, the interest is only 12 per cent. For better utilisation of the funds, for getting good returns, some provision has to be made. I agree with that. But the employees' fund should not be used for any speculative business for getting 22 or 24 per cent interest. By venturing like that, the money in the fund should not be lost. The fund is to be kept in deposit, in safe custody, for the benefit of employees. We are not going to any race. Therefore, there should;not be any kind of illusion in the minds of employees that they should get more interest by way of speculative business. One should not agree on that aspect.

There is another provision that has been made. If they feel; if the industry feels, that there is a new scheme which will give more benefits to the employees than this scheme, there is a provision under sections 17 of the principal Act. It is stated in sub-section 1(c), "The Central Government may by notification in the official gazette, subject to such condition as may be specificed therein exempt any establishment or a class of establishments". So, exemption has been given to an establishment if they are able to prove that the scheme which they are bringing for the purpose of giving pension to the employees is better than the present scheme. There is a provision to that effect. Why can't you use that provision? Those who feel that they should not be covered by this scheme can improve upon the scheme and get the benefits for the employees. Why don't you do that? For the purpose of only one or two per cent of the employees, the interest of the remaining is being sought to be sacrificed. For the sake of one or two per cent, the interest of the other employees should not be sacrificed. Therefore, I agree with the hon. Minister. There were due deliberations in the Tripartite Committee. Trade unions were there. Their views were heard. Thereafter, issues came up for discussion. And, finally, it was agreed to by even some of the trade union leaders. Now they are turning around. Finding that there will be some reaction for that among the employees, a section of the employees, they are now trying to oppose the Bill. I submit that this is a novel scheme and this scheme can be implemented.

(The Vice-Chairman, Shri MB. Salim, *in the chair.)*

I request the hon. Minister to give us an assurance in this House: If there is any flaw and if there is any kind of improvement to be made, these provisions should be jmproved upon. Let the hon. Minister give us an assurance that he will improve upon this scheme if necessary and will bring an amendment at a later point of time.

An amount of Rs. 8000—9000 crores is the deposit made for the pension scheme by transferring from the family pension scheme fund to this scheme. More than 95,000 employees have opted for the new scheme. That being the case, for better

investment, for the purpose of giving benefits to the employees, the scheme may be worked out.

I would like to tell the hon. Minister that while implementing the scheme, as far as possible, larger areas of employees have to be covered. For that purpose, the hon. Minister may find out some method by which more areas, even unorganised sector—people who are in the construction industry, people who arc in the agriculture industry—can be covered. I want the hon. Minister td consider that also. By that, let us make it a social welfare scheme which will provide benefits to the employees and employees' families. It will become a guarantee for the employees' families. Therefore, I support the Bill and hope that through this Bill, we will make the working of the employees more efficient because they will get more benefits at the time of retirement due to more accumulation.

THE VICE-CHAIRMAN (SHRI MD. SALIMj: Shri E. Balanandan. Balanandan Ji, your party has four minutes.

SHRI E. BALANANDAN (Kerala): Sir, thank you for giving me four minutes. Sir, this Bill, as my hon. friends were saying, has gone through different stages and now it has come before us to finally do something about it. Before ' going into the details of the Bill. I would submit that I rise to oppose this Bill in its present form since I feel that this goes against the interests of the members of the Fund. What is the special nature of this scheme? People are saying so many things about it. I would like to submit that the corpus of the Fund is created from the provident fund. Nobody else is the owner of the Fund except the worker. This is the workers Fund which is being converted to help the workers and to give pension to them. So, this is not anybody else's money. Somebody was saying that social security etc. is being given by somebody. Who is giving it? This is the workers fund which is coming into the EPF. A portion of it, that is, 8.33 per cent, is converted into this scheme. My friend opposed the Bill on the ground that Rs. 9,000 crores which have accrued in the Family Pension Scheme are being invested in the public funds of the Government at the rate of 8.5 per cent interest. I would like to remind the hon. Members that when we were discussing the question of the Employees Family Pension Scheme, the actuary had said that the contribution which was being made was quite insufficient to meet the scheme as such. It was hardly able to meet the requirement of expenditure. This was the claim made at that point of time. Now wc tind that there is an accrual of Rs. 9,000 crores. Now, another statement was made by the actuaries when we met them. They said that the rate of pension which is being offered to them is so high that if a few workers opt out and do not remain members of the Fund, then the Fund will not work. After some time, you will find that thousands of crores of rupees arc again accrued in the Fund which will be used at the minimum interest for adjusting the ways and means requirement of the Government of India. So, what docs it mean? The workers money is now converted into a scheme by which the workers arc not given proportionate benefits. A profit is made through this scheme and the money which accrues is converted into a lump sum which is transferred to the public accounts and the workers are given only 8.5 per cent interest. In India we get 14 per cent commercial interest and in some cases we get up to 15 per cent interest whereas the Government is taking the workers' money at the rate of 8.5 per cent interest. Why is it so? Why do you want too that? I am sorry to say that some of the hon. Members are experts in the subject. According to me, pension should be a third benefit. What done this mean? My hon. friend, Mr. Narayanasamy, was dilating on that. I don't want to say anything more. But the essence of the statement that "Wc want pension as a third benefit" means we want that the employers should

contribute—and wc the workers will contribute—and the Government also should contribute to the extent that they have agreed, at least, 1.16 per cent The present benefits which the workers arc enjoying from the Provident Fund stand as it is. And whom arc you excluding? The employers! I am sorry to submit, wish your permission, Sir, that we are in love with the workers. Okay? But we arc more in love wc with the employers! Aren't wc? We are excluding them. We are leaving them out. Who is contributing? Only workers contribute to this Fund; He claims as a members of the Provident Fund that "my money is being converted into a fund; I must get my dues." Isn't it true, Sir? "Am I have a right to have my money?" You are having another argument. Being socialist you can argue. ....*(Interruption)*... What is this? I did not say anything. The point is that being socialist you want to help everybody; I can understand that. My friend, Mr. Narayanasamy, knows about the wages in the liberalised sector. He wants to have the liberalised set-up, the integrated world from Germany to poorIndia. You know the wage-structure in other countries. The wage is 17 dollars per hour. Do you know that? No. In Germany it is 17 dollars per hour; in the United States it is 16 dollars per hour. In India a worker gets Rs. 5,000/- or Rs. 6,000/- is a big amount of wages, according to you. All right, I do not argue on that. But, Sir, one point I must submit here and that is, there is an argument being made by the employers as well as the Government that when the workers who arc slightly high-paid, make a demand for wage-increase, immediately the employers would be vocal, "What arc you talking of? The worker next door is getting; two rupees only." While he is taking two rupees, how can you demand more? You cannot demand more. This kind of arguments arc made. When the two-rupccwalla makes a demand, they will say, "My friend, mind you; this industry is here because of two rupees. In case you demand more it will be shifted to London, to Calcutta or to suburbs of Calcutta.

So you do not make any demand. This kind of arguments are flimsy; we expose them. My trade union friend knows this. I do not want to dilate on that, with your permission, Sir, I will quote on the third benefit from the .statement issued by the AITUC Sccrefary, which appeared on 8th June, 1996, *New Age, w*hich states: "There is discontent among the workers."—the date you kindly note, Sir. It is 8th June—"A public sector undertaking and the better-off industries about their pension scheme: 'They have gone to court in several parts of the country, but so far, no concrete proposals have emerged to solve this problem ....."—Sir, I am quoting—" ...except that there is a demand for a third benefit or a scheme without touching the provident fund.' This is the demand of the AITUC Secretary! This is made in June this year.

Sir, with your permission, I may quote one more thing from the *New Age,* i.e. the AITUC resolution. In that resolution it is stated, among other things,—because of the paucity of time I do not want,to take much time, Sir .....*(Interruptions)*....

THE VICE-CHAIRMAN (SHRI MD. SALIM): You have a very limited time. You can speak for yourself and the AITUC will take care of their interest.

SHRI E. BALANANDAN: I am sorry. "The interest is not. less than 12 per cent on the corpus, indexation and capital return and removal of ceiling of Rs. 500/-, it is also decided to urge the Government to exempt the prosperous industries from the scheme and allow to evolve their own scheme."

These are the demands of the AITUC.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please conclude.

SHRI E. BALANANDAN: I am only saying that those friends who are supporting it here—I don't want to name them—told me privately, "I am for your

amendment. I am for option. Bui ray constraint, as you know, is my party mandate." This is the position. This is what I am told privately. *(Interruptions).*

SHRI SATISH AGARWAL: Sir, he tried to persuade us in the Select Committee. Unfortunately, he was isolated. What can we do? *(Interruptions).*

SHRI E. BALANANDAN: I can quote one thing more. But I don't want to rake it up now. The trade unions have taken a position that they want pension as a third benefit because the employers cannot go scot-free. They have to contribute. Now they are not contributing. If Govrnment wants profit, tax exmployees. This scheme is being used for that purpose and the benefit which accrues to workers is being taken away by the Government of adjust its own ways and means. Therefore, I don't want to argue much. Everybody is saying that this is a very good scheme. Workers are eagerly waiting outside for getting this Bill passed. I can argue this case well, but I don't want to take your time. If it is so good, so fine. Everybody wants it. and everybody is for it. Sir, I put a small question. Can't we allow option for those workers who do not want it? Will it harm anybody? Many have argued in this august House that this is one of the finest schemes on earth and every workers wants it.- Workers say that "It is my own fund." I say, "I may be given an option". Who are we to object to it? And say that you can do it collectively. Workers insist that "I must get the freedom to opt myself because it is my own fund. I don't want it now. Yes, this is my freedom. You cannot take it." Time is not there so I will not go into" the details. My point is, we in the House can differ on certain questions. Millions of workers acted in strength. The expression of workers which is expressed in an all-India action throughout—in every State workers went on strike; what more do you want; Mr. Vayalar Ravi will also support me,—This has to be taken note of by this august House. I pray, plead and beg of the Members of this House to consider my submission that those workers who want to opt out of this scheme may be allowed to *do* so. I think all will agree to it. Other demands which have been made by my friends who spoke before me about

linking it with the cost of living.....

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Balanandan, your party was given only four minutes. You have already taken 14 minutes.

SHRI E. BALANANADAN: My party is very small. What can I do? It is a very serious question. Though I am in a minority in this House, we were in a majority outside. *(Interruptions).*

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu); Sir, what does it mean? *(Interruptions).* Secret signals are not allowed here. *(Interruptions)*

SHRI E. BALANANDAN: I once again say, "Hon. Members, the future of the country is in your hands." You are the people who make or mar the lives of people. So, before you act on this, I plead on behalf of the workers to see that option is given to them. Thank you.

SHRIMATI KAMLA SINHA (Bihar): Mr. Vice-Chairman, I rise to support the Employees Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1993, In fact, the Ordinance is in operation and Government has brought this Bill just to replace the Ordinance by an Act. I feel shaky for two reasons. Firstly, I am not well. Secondly, Mr. Balanandan spoke emotionally, pleading individual workers cases and I wish I was free to grant what he has been seeking. But unfortunately, if his wishes are granted, the working-class of the country will suffer. So, with a heavy heart I would say that Mr. Balanandan's pleadings are a little misplaced and misconceived. Actually this Bill is a part of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The working class of this country, specially

the trade unions have been demanding triple benefits—provident fund, gratuity and family pension. A lot of deliberation has taken place between the Government machinery and the trade unions. The workers deliberated amongst themselves to find a solution to this and to arrive at the best possible formula to calculate it. Ultimately, this was the formula that was accepted that the employees Provident fund be utilised as a family pension fund wherein the Government will contribute a part of the fund In fact, family pension will be paid from this fund. We receive a lot of complaints from the workers thai they do not get their provident fund money in time. A lot of litigations also go on. After retirement, the workers are harassed. There is a lot of corruption. It may not be at the apex level. But in the provinces and districts, the workers are harassed. So, the trade unions have also been thinking of finding some solution to this problem so that individual workers are not harassed. A lot of arguments have taken place. Those who don't believe in the family pension have put forward an argument that the workers can withdraw money from the provident fund.

They can utilise this money at any point of time because it is their own money. So it can be their dauther's marriage, some family commitment, this and that. For such purposes, they can use their provident fund money. But once the pension scheme comes into effect, they may not be able to take advance from such a fund. So, there will be a lot of problems for the individual workers. This may be the case or this may not be the case. But one thing is very certain that this is a social security measure which will be covering nearly 2 crores of our workers, both organised and unorganised. It is really a beginning for something bigger to the achieved because the unorganised workers of this country also will be demanding, that such a scheme should be made applicable for them too. And tomorrow may be the construction workers, the agricultural workers and the unorganised rural workers also would demand the same thing. So, this is just a beginning for a wider coverage of the workers in course of time. Sir, this Bill has gone through the scrutiny of the Standing Committee of Parliament as well as the Select Committee of this House. Now, some objections were raised by my esteemed colleague, Shri Balanandan, but I am not going to repeat them. I have in mind doubts concerning certain aspects. I would like to draw the attention of the hon. Minister to various points on which I would seek clarrifications. Firstly, I would want know know on what basis, pension will be calculated. Now, for the Governmenlt employees, the monthly pension seems to be calculated on the average of the last ten months' salary. Now what will be the basis for the other employees? In some document, I saw it to be the average of the last two years' salary and in some places, it is mentioned to be the average of the last three years' salary. So, this has to 'be clarified. I feel that there should not be any anomaly. If the basis is the last ten months' salary for the Government employees, then for other employees who will be covered under this Act, the same basis should be followed. Now I would deal with the upper limit to the last drawn salary. The upper limit for the Government employees is Rs. 5,000/ -. I demand that the upper limit should be the' same for other employees also.

About widow pension, the present situation is that 50% of the employee's salary is granted as widow pension which includes two minor children also. I want to know why a widow should be discriminated against. I demand that the widow pension should be at least 80% of her husband's salary.

We have been demanding that the pension scheme should be reviewed every year. We feel that a yearly review would facilitate removal of lacunae which are there. Prices of commodities are increasing everyday. The level of inflation

raises everyday. Therefore, I would like to know whether the pension will have any kind of a linkage with the consumer price index. I would like to know whether the amount of pension would be revised from time to time keeping in view the inflationary pressures. I would seek a clarification from the hon. Minister whether the pension scheme would be reviewed on a yearly basis.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now you have to conclude.

SHRIMATI KAMLA SINHA: Sir, I am trying to conclude. I would be gratful if you don't interrupt me.

Then, there are various types of employees. There are employees who don't work at one place for a long time because they may cither lose the jobs or may be the concern may have been closed down for no fault of its employees. After leaving their jobs, they look for other jobs in some other part of the country. What happens to such type of employees,? How will they get the pension? How is the, money deposited by them is calculated for pensionary purposes? There should be some foolproof guarantee. I am aware the Government is planning to have some kind of a Central Certificate Scheme. I would like to know the details of that scheme. I want to be reassured on this count because when we go put of this House, we become answer-able to the working class. They will ask us: What have you done for us? What guarantee has the Government given us? What happens to those who work in different places at different times? How are they going to get back their money? So, I would like to know what guarantee the Government is planning to give to this kind of employees. Lastly, I would like to know... *(interruptions)...*

SHRI SATISH AGARWAL: Mr. Vicc-Chairman, Sir, I want to make a point. Shrimati Kamla Sinha was the Chairman of the Select Committee to which this Bill was referred. After consideration of the Bill, the Committee presented to this House almost a unanimous report, except two dissenting notes by Mr. Balanandan and Mr. Jibon Roy. The report was almost a unanimous one. She was the Chairman of the Select Committee and the Committee finalised the report within three days and presented its report to this House.

SHRI JIBON ROY: It is all right. She wants to have clarifications from the Minister.

SHRI SATISH AGARWAL: That is why it appears as if she is opposing the provisions of the Bill.

SHRIMATI KAMLA SINHA: I am not opposing. I just want to know some more details from the hon. Minister about the scheme.

SHRI SATISH AGARWAL: Mr. Vicc-Chairman, for that the Labour Secretary would be in a better position to say something. The Chief Commissioner of Provident Fund would be in a better position to say. And they appeared before the Select Committee.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Perhaps she may want to know the details from the mouth of the Minister, li is her right.

SHRI SATISH AGARWAL. The Minister may not give a better explanation than the Labour Secretary or the Chief Commissioner of Provident Fund. How long could we wait? She could have put those questions to them. Wc have got for our consideration one more Bill, the Coal Mincis Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1996 which is a replacement for an Ordinance issued earlier. Moreover, Shrimati Kamla Sinha belongs to the Government. It is not proper... *(interruptions)..*

SHRI VAYALAR RAVI (KERALA): Mr. Vice-Chairman, Sir, I recognise the fact that she, as a Member of this House, has the right to say whatever she wants to say. But she was the Chairman of the Select Committee which considered the Bill and presented its report to this House. It would have been in order she had put those questions, sought those

clarifications in the Committee meetings. After being the Chairman of the Select Committee and after presenting its report to this House, it does not appear to be proper for her to seek clarifications from the Minister again, it is very improper.

SHRIMATI KAMLA SINHA: Well, I beg to differ from you.

SHRI VAYALAR RAVI: Of course, you can differ.

SHRIMATI KAMLA SINHA: I just want to seek clarifications from the Minister and he can give those clarifications to the House. I am not opposing this Bill. I am in support of this Bill. When I started my speech I said that I rise to support this Bill. *(Interruptions)* Mr. Vayalar Ravi, I said, "I rise to support this Bill", not to oppose it. *(Interruptions)*..

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mrs. Sinha, since you were in the Chair, ...*(Interruptions)*

SHRI SATISH AGARWAL: Kamlaji, but you did not consider other suggestions. The Government came to us, sought our cooperation that we should cooperate in disposing of the rest of business. The other Ordinances are there. The Coal Mines Provident Fund and Miscellancous_ Provisions (Amendment) Bill, 1996 is there. The Representation of the People Act is there. Mr. Khalap came to me. We assured him of our' support. But we cannot remain sigting here up to 10 o'clock.

SHRIMATI KAMLA SINHA: No, no. I just want to know... *(Interruptions)*

SHRI SATISH AGARWAL: All right, you go on speaking for half-an-hour, we go home. Then you see that your Bills arc passed or not. *(Interruptions)*

SHRIMATI KAMLA SINHA: No. I just want to know that ... *(Interruptions)*

SHRI SATISH AGARWAL: This is not fair. *(Interruptions)*

SHRIMATI MARGRET ALVA: Just a clarification. Madam, if you don't mind. Sir, we were told that within one hour this Bill will be completed and that after that we have to pass, at all costs, today the amedment of the Representation of the People Act because it has been notified. Sir, we have been waiting without a lunch break from morning. Our Members also have to participate. If we arc going to take more time on this Bill, then let the Government take up the responsibility for not passing the Representation of the People Act. We will go. We are prepared to go home.... *(Interruptions)*... then, it is not our responsibility because our Members are all getting ready to move and we should not afterwards be blamed that we went back and wc were not there.

THE VICE-CHAIRMAN (SHRI M.D SALIM): Mrs. Alva and Mr. Agarwal, you said that there is near unanimity in this regard. So, you please cooperate and she will conclude now. Please conclude.

SHRIMATI KAMLA SINHA: I know that 'there has been unanimity. We are all agreed to pass this Bill. I just wanted to know how this will function. When a worker goes from one city, how will this certificate function, how will this certificate operate? That is what the Minister should clarify. *(Interruptions)*

So, with these words, *I* thank the Minister for bringing this Bill on the floor of the House. I support this Bill. Thank you.

THE VICE-CHAIRMAN (SHRI MD. SALI): Mr. Vayalar Ravi. Please keep your suggestions in mind.

SHRI VAYALAR RAVI: I shall be very precise. I shall be more responsible.

Sir, I support this Bill. Now, 19.5 million workers are covered by the Provident Fund. The Family Pension Scheme, which is an old scheme, has been extended to the entire working people. That is the main thing and that is why we support it because this area was confined to the members of the Family Pension

Scheme. Now, it covers all these 19.5 million workers.

Secondly, I will come to another point very precisely. The Family Pension Scheme was opposed by Mr. Balanandan and his Party very vigorously and very pathetically. But after five years they accepted it after the Supreme Court rejected their contention. Now, after this scheme came into being, those who are not even members of the Family Pension Scheme, will also have to become members and everything will be set right. So, I support this Bill. Sir, you take the statistics up to Rs. 1,000 salary per month, there are 20.85 per cent workers. From Rs. 1,000 to Rs. 2,500 there are 42 per cent workers. None of them is opposing. Then, from Rs. 2,500 to Rs. 5,000 there are 34.6 per cent workers. Above Rs. 5,000, there are 2.49 per cent workers. And these are the people who are opposing. Unfortunately, my friend, Mr. Balanandan, spoke for them. Now, Sir, Mr. Balanandan knows and I know about the cashew workers. I will give this one example. The cashew work is a seasonal work and Mr. Ramachandran Pillai comes from that area, Mr. Baby comes from that area. Sir, there is work for a maxi mum of four months. And what is the wage? It is Rs. 800. What is the total income? It is Rs. 3,200. Then they remit Rs. 270 per per year. The maximum remittances will come to Rs. 5000 or Rs. 6000. This money would come back to them within a year. They are all members of this Pension Scheme. That is why about 72,000 workers accepted it. In KenrlaTall the cashew workers are accepting this scheme because their total contribution, life-long contribution, to the provjdent fund would come back to them within a year. That is why I support this Bill. I hope Mr. Ramachandran Pillai and Mr. Baby would support me because both of them hail from the same place of cashew workers. Mr. E. Balanandan also represents the coir workers' case and he is the President of CITU. Then there are shopkeepers. Sir, those which are covered by provident fund in Kerala, apart from the industrial belt which Mr. Balanandan and myself represent, are the units of INDAL, HMT or whatever it may be...

AN HON. MEMBER: ...opting for an option.

SHRI VAYALAR RAVI: Yes, I am coming to option. Option has been given to many establishments by the ESI. Let me explain it. The ESI has given an option to every factory. Every factory as a whole cannot be a member. If Mr. Balanandan and my colleague of the CITU work together — they are trade-union friends — and if they are sincere, why are they not able to convince the entire workers or at least 90 per cent workers of the HMT, INDAL or whatever it may be and make them opt as a whole out of this provident fund scheme. If he could not convince his own comrades in a factory how can he say that this scheme is bad. So, options are there-—not for individual worker, but a factory or an institute as a whole can opt out. If the employees of the Bata or the Philips of a particular factory do not want this scheme let them opt out of this scheme together and nobody is objecting to their remaining out of this scheme. So, if we are not able to convince our own colleagues who work in the same plant, then how can we convince the people. That is why the options are there. The only thing is there is no individual option, it is quite true.

The other important point is, this money is the money contributed by the employers. The employees' 50 per cent money is there— nobody is taking it— plus the Government's contribution is there. If a person takes 10 per cent less pension than he is eligible, then he gets a lumps sum amount of 100 times. So, this pension scheme is a social security scheme. I am not questioning the sincerity of the CITU leaders, I am fully with them, especially, my friend Mr. Jibon Roy is fighting like anything in various committees.

I don't question their sincerity as they are sincere to the cause. But my difference with him is that he deals only with the workers in the organised sector who are drawing more than five thousand rupees and not the large number of workers who are covered under this 19.5 million workers, where total contribution made by about 80 per cent workers is less than twenty thousand rupees. Lastly, Sir, I disagree with Mr. Balanan-dan when in his speech he carried the impression to the people that the entire amount of the provident fund is in the bank or with the Provident Fund Commissioner. No, Sir. About 90 per cent money is withdrawn and used by the employees for other purposes. Their purpose may be good, but when they retire, there is no money left with them to carry home because they had withdrawan it for construction of a house or for marriage of sons and daughters or whatever it may be, and the counting of bank interest, accumulation of the bank interest is a fiction. It is not a reality. That fiction cannot prevent the success of a Bill which is a social security scheme. So, Sir, I support this Bill and I hope Mr. Balanan-dan would be able to convince the Cochin Shipyard, the HMT or whatever it may be, who have remained out of this scheme. There cannot be an individual option. Individual option means, negation of the whole scheme. Sir, the whole amount of the corpus is about eight thousand crores of rupees. That corpus comes from an accumulated fund. So, you cannot defeat the scheme by individual option. You have to support the scheme by joining it. With these words, I support this Bill. Thank you, Sir.

SHRI R.K. KUMAR (TAMIL NADU): Sir, after a prolonged and emotional speech, I will just take two minutes exactly. Sir, all political parties have some trade union affiliation or the other. Our party also has a big trade union wing. When I wanted to participate in the Select Committee, I was instructed to canvass for individual option. During our discussion, I asked for an explanation why individual option can't be given. The explanation given by the actuary and others was that if individual option is given the creamy layer of the work-force who are well to do, that is, 2.5% as Mr. Vayalar Ravi has said—opts out, then the scheme is not viable. It is not that the entire work-force is going to opt out of this. I had been canvassing that if it is not possible to give the option now, why not give future option', that is, at the time of retirement. Why don't you give it? No doubt we are living on the democratic principle of the 'rule of majority', at the same time, we cannot oppress the minority view. What is the minority view? If the major portion of the work-force has opted for this and a minority is expressing some apprehensions about it, it is for the Government to clear it.

I had some apprehension about the option and now it has been cleared. *(Interruptions)* As Mr. Satish Agarwal and others have pointed out, the funds invested in Government accounts yield only 8.33%. It is ridiculously low. They should devise ways and means to improve the yield so that the work-force who want it arc benefited. Similarly, I would like to say that in the working of the Provident Fund we know as to what the anomalies are, what the red-tape-is and what the problems are. Here, a man withdraws the entire money during his work-life by way of loan etc. Once he retires, he has to go around to get his pension. The working of the pension fund should be in a highly efficient manner. With these words I support the Bill.

SHRI JOYANTA ROY (West Bengal): Thank you, Sir. initially I also had some objections for which I moved certain amendments to the proposed Bill but, subsequently, after going through the contents of the proceedings of the Select Committee, I came to the conclusion that—as Mrs. Kamla Sinha spoke—it is beginning for the better. For this reason, I think, a lot of discussion has been done in all party meetings and in trade union meetings. Being a member of

the Standing Committee on Labour and Welfare, I also took part in the discussion and considering all these aspects, I am of the opinion that this Bill should be passed. I support this Bill. I would request my colleagues who arc on disscntion to support it as there is scope for an early review on this Bill. Let us start with this. After some time, as we go along, if wc find difficulties, wc can review it on all matters. There is ample scope for it. Therefore, Sir, I would again mention that this Bill should be passed immediately

8.00 P.M.

It is perfectly true, as mentioned in sections 16 and 17 of the principal Act, that some factories and establishments which have got similar or better pension schemes arc exempted. Naturally, I think, there is no harm in accepting this proposal. With these words, I conclude. Thank you, Sir.

SHRIMATI RENUKA CHOW-DHURY (Andhra Pradesh): Sir, I rise to appreciate the sentiments expressed by my hon. colleagues because they were part of the Select Committee and applied their mind thoroughly during the discussions. So, I do not want to re-emphasisc what has already been said. But, the fact remains that we did not consider the option for want of money. Now, we arc taking the workers' money and investing it elsewhere. If the Government had to do borrowing from outside, they would have had to pay through their nose. But, the fact remains that you do not give an option because you arc concerned with the people who arc the actual investors; people who are contributing to this fund arc going to go away. It means that it has not been accepted across the floor in totality. So, there is an element of duress which we arc now using in larger interest. We may say many things to justify the whole concept. But the fact remains. If you arc going to pay a ridiculous amount of 8.3%, then I am forced to accept this Bill and go ahead because there are merits of the Bill. Undoubtedly, I will give it my support., But, I must express my reservation regarding this. I hope the Minister is going to come back and tell us in this House that this rate of interest factor will remain negotiable so that we can take up this matter once the scheme has been accepted and implemented. If we do not play fair by the norms, if wc do not play fair by using the money, then next time, in the next round, when wc need something like this, wc will not be able to pull it off. So, with that point of reservation that I have, I am reiterating my request to the Minister that he must consider keeping the rate of interest negotiable because it is not acceptable to me as a person and to go out and convince the trade unions outside. It is not so easy for us. With these words, I support the Bill.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Das Gupta, it is a golden opportunity for you to set a record if you finish with in one and a half minutes time that is allotted to your party.

SHRI GURUDAS DAS GUPTA (West Bengal): No, Sir. I cannot. *((Interruptions)*.....

SHRIMATI RENUKA CHOW-DHURY: He docs not want to set a new record because he has already set a record.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Shrimati Renuka Chowdhury has already set a record.

SHRI GURUDAS DAS GUPTA: That record I cannot set. ...*(Interruptions)*... Anyway, Sir. I rise to support the Bill not because I feel that the Bill is not having any shortcomings and there is no suspicion and apprehension at all; I rise to support this Bill because it is a further extension of the principle of social security, particularly among the unorganised workers. This extension of social security shall in a very big way help the trade union movement to seek further expansion and extension of the principles among the sections of the workers who

arc not covered. Secondly, Sir, whenever a new scheme is launched, be it a Provident Fund Scheme, be it a pension scheme or be it any other scheme, there is bound to be an element of uncertainty, there is bound to be an element of apprehension and there is bound to be an clement of misconception. When the Provident Fund Scheme was launched in 1952, there was an apprehension among a large section of the workers whether the money was going to be properly utilised or whether there was going to be any misutilisation of the funds of the workers When profidcnt fund started, it included only six industries. Now provident fund includes 177 industries. Sir, therefore, I think that yearly mandatory review of the scheme of pension shall definitely enable the authorities concerned to plug the loopholes and to seek modifications in the light of experience. Sir, I rise to support the Bill because it is an example of the principle of gross subsidisation. The workers in the well-off sector will have to take the responsibility of standing in solidarity with the workers in those sectors where they are much less paid. I support this Bill because it involves extension of social security among bidi workers, among construction workers, among poultry workers, amcung brick kiln workers. Therefore, I rise to support the Bill because it is half the way extension. While agreeing to this Bill our trade unions, unitedly with all others fight for betterment and fight for improvement And with that perspective in view, Sir, I demand that the Government, particularly the Ministry, of Labour should take care that the mg of Rs. 5000 is removed, should take care that yearly review is done, should take into consideration the erosion of the real value of pension as a result of the increase in inflation, as a result of the .increase in prices. 1 demand that the Ministry of Labour should look into the complaint of under-payment of interest rate.

I am against utilising the provident fund money in the stock market I 3m against that because thai rnay result in higher return but that can make our whole investment highly risky. 1 would like the workers be paid higher return bus the investment should be icss. Keeping all this in view, Sir, it is a pity, it is unfortunate that we arc not agreeing on this principle, but I believe in the course of experience all the trade union movements and trade union leaders will come around this scheme and we shall fight for betterment of the future.

THE VICE-CHAIRMAN (SHRI MD. SALIM): you have you move this resolution. Arc you moving the resolution or you want to speak?

SHRI SATISH AGARWAL: I have already stated my objective in the beginning. I am supporting the Bill my party is supporting the Bill. So,I seek leave of the House to withdraw my Statutory Resolution seeking disapproval of the Ordinance.

SHRI M. ARUNACHALAM: At she outset, I would like to thank my hon. colleague,Shri Satish Agarwal, for withdrawing the Statutory Resolution Sir, I am also very thankful to the hon Members who have taken pan irs this debate Sir, as everybody is aware, the basic objective Of the scheme is to provide long-term social and economic security to the millions of employees and their families against risks which an individual with small means and meagre resources cannot effectively meet with his ability, foresight, judgment and resources. Sir, the hon. House would agree with me like individuals and institutions, in the life of schemes also there is always scope for correction and Nimprovement; such correction and Bimprovement would come out of Bexperience only. Sir, only when the scheme has been subjected to implementation for some period of time can we correct the defects. All that I am seeking from the hon. members of the House for the present is an enabling authority to frame a scheme which is beneficial to the interests of the 19.5

million workers. Sir, I assure the hon. Members that I will continue to have dialogue, discussion and consultation with the hon. members and also with the Central Trade Union Organisations and employers in bringing about such changes and improvements in this scheme as may be desirable in the larger interest of the workers. Sir, let me come to the points raised by my colleagues. Firstly, my distinguished colleague, Shri Satish Agarwal, has raised a question about his apprehensions on the interest rate. Sir, every provident fund scheme involves certain contributions and payments. The scale of benefit would depend on the size of the, corpus and the rate of return on the investments made, in the case of Employees' Provident Fund, we have both a suitable corpus and investments. The pattern of investment of the moneys in the provident fund has been laid down by the Ministry of Finance. This pattern is not static. It is changing from time to time. Sir, there arc certain securities, both Central and State, on which the rate of return is very low. However, investments in such schemes as the Special Deposit Schemes and investments in Central, State and public sector undertakings carry a rate of return ranging from 13% to 17%. The average rate of return is 11.8% and we arc paying interest to the Provident Fund members at the rate of 12% and it will continue. It will be our endeavour to maximise the benefit *(interruptions).* I will go back to the Finance Ministry regarding the increase in the rate of interest. Our colleague, Smt. Renukaji, has also raised the same issue.

Coming to the point raised by Shri Satish Agarwal for provision for return of capital, I would like to say that there is a provision for return of capital in the scheme.

[The Deputy Chairman in the Chair]

Madam, in the event of the death of the employee, the pensionary family will get 100 times the amount of pension and the family will continue to get pension also. *This* amount will be more than the accumulation in the provident fund account. Moreover, the amount of pension which the family will get will be more than the interest on the provident fund accumulation. Some of our friends raised questions about the individual hardships. According to the Supreme Court judgement—I do not want to read the entire judgement. I will only give the gist of the judgement—the essence of the scheme is collectivity- and not individuality.

Our colleague, Shri Narayanasamy, has raised certain points. He says that the Employees Provident Funds and Miscellaneous Provisions Act does not distinguish between regular contract employees and casual employees. Madam, I would like to say that any worker who is a member of the Provident Fund Scheme will automatically become a member of the pension scheme. About 19.5 million workers are members of the Provident Fund Scheme There are a number of unorganised sectors which are covered by the Employees Provident Fund Scheme such as agriculture, fish processing, stone quarrying, building construction activities, etc. There were only SIX industries in 1952. Today, the number of establishments which fall within the scheduled list is 177. Today, it is covering 177 industrial establishments. There is no distinction between organised and unorganised sectors. When the Employees' Provident Fund Scheme was started, the ceiling was Rs. 300; now it has gone up to Rs. 5000. My distinguished colleague, Shri Gurudas Das Gupta, has asked to raise the limit. I can assure the House that I will consider raising the limit or reviewing the upper limit.

AN HON. MEMBER: Madam, one of our colleagues, Shri Balanandan, raised about third benefits.....

THE DEPUTY CHAIRMAN: We have another Bill also.

SHRI SATISH AGARWAL: We are satisfied with your reply.

SHRI M. ARUNACHALAM: With these words, I thank all the hon. members who have contributed. ..... *(Interruptions).....*

THE DEPUTY CHAIRMAN: If everybody is satisfied, the first thing I would ask Mr. Satish Agarwal is, is he willing to withdraw his resolution?

SHRI SATISH AGARWAL Yes, ! have already withdrawn it.

THE DEPUTY CHAIRMAN: If you withdrew it in the wrong time then you should withdraw it at the right time. I need the leave of the House to withdraw the resolution.

The Statutory Resolution was, by leave, wi.thdrawn

SHRI VAYALAR RAVI (Kerala): Madam, before you proceed, I want to say that there is something wrong. Once the Motion is moved—according to rule 69 and 70, you can go through the rule, it is very clear—then only Select Committee is formed. Select Committee is already formed and it means the Bill is already moved then the resolution of disapproving the ordinance lapses automatically. There is no point of .....*(Interruptions)*.... You look at the law, it is here. It is already introduced Madam, Rules 67, 69, 70, 72, these are all very clear. Rule 67—objection by the Member; Rule 69—the motion being moved; then Rule 70 comes, Select Committee; Rule 72(A) — Select Committee. When the Select Committee comes, it means the Bill is already moved
and your motion lapses automatically ..... *(Interruptions)*....

THE DEPUTY CHAIRMAN: It is a valid point and I want to set the record straight. Sending it to the Select Committee was a flash decision. There was some disagreement, it will be appearing later on also. That is how the Government approached me and then we took the decision to send it, for a very short period _of three days or four days and so this resolution was overlooked at that time. But in any way, \ı future such things should not happen.

I shall now put the Motion moved by Shri Arunachala™ to vote, The question

> "That the Employees' Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1993 as reported by the Select Committee be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added *to the Bill.*

THE DEPUTY CHAIRMAN: We shall now take up Clause 5. There are nine amendments.

Clause-5 Substitution of a new section for sections 6A & 6B

SHRI M. ARUNACHALAM: Madam, 1 beg to move:

5 "That at page 2, line 28, *after* the word "pension" the word "Fund" be *inserted."*

6, "That at page 2, *after* line 29, the following be *inserted,* namely:—

7 '(d) such sums as the Central Government may, after due appropriation by Parliament by law in this behalf, specify.'" "That at page 2, line 32 *after* the words "vest in and" the words "shall stand" be *inserted."*

SHRI JIBON ROY: Madam, I beg to move

14. "that at page 2, line 11, *after* the words "Pension Scheme" the Words "which shall be optional for all workers who are or will be members of the Employees Provident Fund" be *inserted."*

15. "That at page 2, *after* line 17, the following be *inserted,* namely:—

'(c) provision of linking the pensionary benefits

with the Consumer Price Index Numbers.'"

16, "That at page 2, *for* lines 22—25, the following be *substituted* namely:—

(a) such sums as may be prescribed of the equal contribution of employee and the employers excluding the providenf fund contributions as may be specified in the pension scheme.'"

20. "That at page 2, *after* the words "Pension Scheme" trie words "which shall be optional for all workers who are or will be members of the Employees Provident Fund." be *inserted."*

21. "That at page 2, *after* line 17, the following be *inserted,* namly:—

'(c) provision of linking the pensionary benefits with the Consumer Price Index Numbers.'"

22. "That at page 2, *for* lines 22—25 the following be *substituted,* namely:—

"(a) such sums as may-be prescribed of the equal contribution of employee and the employers excluding the provident fund contributions, as may be specified in the pension scheme.'"

The questions were proposed.

THE DEPUTY CHAIRMAN: I shall now put amendment Nos. 5 to 7, moved by Shri. M. Arunachalam, to vote. The question is:

(No. 5) "That at Page 2, line 28, *after* the word "Pension", the word "Fund" be *inserted."*

(No. 6) "That at page 2, *after* line 29, the following be *inserted,* namely:—

'(d) such sums as the Central Government may, after due appropriation by Parliament by law in this behalf, specify.'"

(No. 7) "That at page 2, line 32, *after* the words "vest in and", the words "shall stand" be *inserted".*

The motions were adopted

THE DEPUTY CHAIRMAN: I shall now put amendment Nos. 14 to 16 and 20 to 22, moved by Shri Jibon Roy, to vote.

SHRI JIBON ROY (West Bengal): Madam, I want that my amendment, No. 14, should be decided by Division. *(Interruptions)*

SHRI V. NARAYANASAMY: Why docs he want a Division? *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Narayanasamy, just a minute, please. Mr. Jibon Roy, if, for the sake of having a Division, you want to have a Division, fine. But you must understand that we have to pass the Representation of the People (Amendment) Bill which is before us. It is time-bound; 'time-bound' means 'today'; and 'today' means 12 midnight. It has to be passed now. Then it has to be sent to the Chairman. Afterwards, it has to be sent to the President before 12 midnight. We have to abide by the time-limit. You have registered your 'No'. But if you still want to have a Division, you are a party to blocking the passage of the Representation of the People Bill which has to be sent to the President before 12 midnight. You have to decide.

DR. BIPLAB DAS GUPTA: Madam, wc are not blocking any discussion.

THE DEPUTY CHAIRMAN: You are not blocking. You are delaying. The Government should have decided. I noticed from my room that many Members were taking a lot of time on this Bill. *(Interruptions)*

DR. BIPLAB DAS GUPTA: (West Bengal) we are not blocking anything.

We arc only seeking a Division. *(Interruptions)*

SHRI JIBON ROY: Madam, wc have considered everything. There is no point in having a debate as to why wc should have a Division. After considering everything, we arc seeking a Division. *(Interruptions)* Kindly give me two minutes' time, Madam, to explain why I am seeking a Division.

THE DEPUTY CHAIRMAN: I have no problem. I can sit till morning. If more time is taken on this, we cannot get the Representation of the People Bill passed before the deadline. This should have been taken into consideration when the hon. Members from the ruling party were speaking. This point should have been noted. I am making things straight for everybody.

DR. BIPLAB DAS GUPTA. Wc understand that, Madam

SHRI JIBON ROY: Would you please allow mc, Madam?

THE DEPUTY CHAIRMAN: It is not for the Chair to decide. It is for the Government *(Interruptions)*

SHRI JIBON ROY: If you give mc two minutes' time, Madam, I will point out why I am seeking a Division on my amendment No. 14.

Madam, this Bill takes away fifty per cent of the fixed, secured, reserves of the workers On this, the workers are getting interest at the rate of 12 per cent as well as return of their money. *(Interruptions)* I will take only two minutes. I will not take more than two minutes.

SHRI N.K.P. SALVE: (Maharashtra) You cannot improve upon what has been said by Mr. Balanandan.

SHRI JIBON ROY: The Bill docs not guarantee a return of 12 per cent as well as the capital. They have prepared this Bill on the assumption that, annually, (here would be a wage rise of 10 per cent, which is not correct.

Therefore. I seek a Division because 1 feel that the workers would not get back their money if this scheme is adopted without giving the option to the individual This is the reason why ! demand that (here should be an option, free and individual option. THE DEPUTY CHAIRMAN' The Question is:

'That at page 2, line 11, *after* the words "Pension Scheme" the words "which shall be optional for all workers who are or will be members of the Employees Provident Fund." be *inserted."*

The House divided

Ayes 14
Noes . . 53
Ayes — 14

B

Baby, Shri MA. (Kerala)
Balanandan, Shri E, (Kerala)
Basu, Shri Nilotpal (West Bengal)

D

Dasgupta, Dr. Biplab (West Bengal)

G

Goswami, Shri Ramnarayan (West Bengal)

L

Lama, Shri Dawa (West Bengal)

M ,

Md. Salim, Shri (West Bengal)
Mitra, Shri AshoJc (West Bengal)
Mukhcrjcc, Shri Dipankar (West Bengal)

P

Pandcy, Shrimati Chadra Kala (West Bengal)
Pillai, Shri Ramachandran (Kerala)

R

Ray, Dr. (Shrimati) Bharati (WestBengal)
Roy, Shri Jibon (West Bengal)

S

Scngupta, Shri Bratin (West Bengal)

Noes — 53

A

Agarwal, Shri Ramdas (Rajasthan)
Agarwal, Shri Satish (Rajasthan)
Alphonse, Shri S. Peter (Tamil Nadu)
Azmi, Maulana Obaidullah Khan (Bihar)

B

Bangaru, Laxman, Shri (Gujarat)
Barongpa, Shri Sushil (Himachal Pradesh)
Bhandari, Shri Ram Deo (Bihar)
Bisi, Shri Sanatan (Orissa)

C

Chandresh Kumari, Shrimati (Himachal Pradesh)
Chowdhury, Shrimati Renuka (Andhra Pradesh)

D

Dave, Shri Anantray Devshanker (Gujarat) Deo, Shri V. Kishore Chandra S.
(Andhra Pradesh) Dutta, Dr. B.B. (Nominated)

G

Giri Prasad, Shri N. (Andhra Pradesh)
Gujral, Shri Inder Kumar (Bihar)

J

Jayadevappa, Shri K.R. (Karnataka)

K

Keswani, Shri Suresh A. (Maharashtra)
Korwar, Shri Gundappa (Karnataka)
Kovind, Shri Ram Nath (Uttar Pradesh)

' M

Maheshwar Singh, Shri (Himachal Pradesh) Majhi, Shri Bghagaban (Orissa)
Majumdar, Shri Sudhir Ranjan (Tripura)
Mandal, Shri Jagdambi (Bihar)
Mangrola, Shri Kanaksinh Mohansinh (Gujarat)
Miri, Shri Govindram (Madhya Pradesh)
Mukherjee, Shri Pranab (West Bengal)

N

Nagmani, Shri (Bihar)
Narayanasamy, Shri V. (Pondicherry)
Natarajan, Shrimati, Jayanthi (Tamil Nadu)

P

Panda, Shrimati. I la (Orissa)
Patil, Dr. Gopalrao Vithalrao (Maharashtra)
Patnaik, Shrimati Jayanti (Orissa)
Pillai, Shri Thennala Balakrishna (Kerala)

R

Raghavji, Shri (Madhya Pradesh)
Ravi, Dr. Ramendra Kumar Yadav (Bihar)
Ravi, Shri Vayalar (Kerala)

S

Salve, Shri N.K.P. (Maharashtra)
Sarna, Shrimati Basanti (Assam)
Satcjiidananda, Shri (Karnataka)
Sethi, Shri Ananta (Orissa)
Sharma, Shrimati Malti (Uttar Pradesh)
Shirodkar, Shri Adhik (Maharashtra)
Shukla, Shri Chimanbhai Haribhai (Gujarat)
Singh, Shri Jagannath (Madhya Pradesh)
Singh, Dr. Ranbir (Uttar Pradesh)
Sinha, Shrimati Kamla (Bihar)
Soundararajan, Shri P. (Tamil Nadu)
Sundaram, Shri N. Thalavai (Tamil Nadu)

V

Vahadane, Shri Suryabhan Patil (Maharashtra) Venkatachalam, Shri T.M. (Tamil Nadu) Verma, Shrimati Veena (Madhya
Pradesh)

Y

Yadav, Shri Naresh (Bihar)
Yadav, Shri Ranjan Prasad (Bihar)

The motion was negatived.

(Amendment Nos. 15, 16, 20, 21, and 22 were negatived.

.THE DEPUTY CHAIRMAN: I shall now put clause 5, as amended, to vote.

DR. BIPLAB DASGUPTA: Before you go in for that, in vujw of the fact that this amendment has been rejected by the House, we accept the verdict of the House here.

THE DEPUTY CHAIRMA: It is not your amendment. Under which rule are you speaking?

DR. BIPLAB DASGUPTA: Since we have strong objection to this particular Bill, we are walking out of the House on this issue.

(At this stage, some hon. Members left the chamber.)

SHRIMATI MARGARET ALVA: They are walking out.

SHRI GURUDAS DAS GUPTA: So what? We have a transparent democracy.

THE DEPUTY CHAIRMAN: I shall now put clause 5, as amended, to vote.

Clause 5, as amended, was added to the Bill. Clause 6 was added to the Bill.

Clause 7 (Amendment of section 17)

THE DEPUTY CHAIRMAN: Now we shall take up clause 7. There are four amendments, amendment Nos. 8 to 11, by Shri Amnachalam.

SHRI M. ARUNACHALAM: Madam, I move:

(No.8) "That at page 3, line 21 *for* the words "Central Government" the words "appropriate Government" be *substituted."*

(No. 9) "That at page 3, line 22, *for* the words "such conditions" the words "the; condition on the pattern of investment of pension fund and such other conditions" be *substituted."* (No. 10) "That at page 3, line 26, the words "income-tax approved" be *deleted."*

(No. 11) "That at page 3, line 27, the words "approved" be *deleted."*

The questions were put and the motions were adopted.

Clause 7, as amended, was added to the Bill... (Interruptions)

THE DEPUTY CHAIRMAN: We shall now take up clause 8. There are seven amendments.

Amendment No. 12 by Shri Arurachalam.

Amendment Nos. 17 to 19 are by Shri Jibon Roy who is not here, and Amendment Nos. 23 to 25 are by Shri Muthu Mani and Shri Joyanta Roy who are also not here. So, these amendments are not being moved.

CLAUSE 8: Substitution of new Schedule for Schedule III.

SHRI M. ARUNACHALAM: Madam, I move:

12. "That at page 4, line 2 *for* the figure "1993" the figure "1996" be *substituted. "*

The question was put and the motion was adopted.

Clause 8, as amended, was added to the Bill.

NEW CLAUSE—9

SHRI M. ARUNACHALAM: Madam, I move:

13. "That at page 4, *after* line 35, following new clause be *inserted,* namely:—

'9. (1) The Employees' Provident Funds and Miscellaneous Provisions (Amendment) Third Ordinance, 1996, is hereby repealed'.

(2) Notwithstanding such, repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have done or taken under the corresponding provisions of the principal Act, as amended by this Act."

The qestion was put and the motion was adopted. New Clause 9 was added to the Bill.

Clause—1

SHRI M. ARUNACHALAM: Madam, I move:—

2. "That at page 1, line 3, *after* the figure "1" the bracket and figure "(1)" be *inserted."*

3. "That at page 1, line 4, *for* the figure "1993" the figure "1996" be *substituted."*

4. "That at page 1, *after* line 4 the following be *inserted,* namely:—

'(2) it shall be deemed to have come into force on the 16th day of November, 1995.'"

The questions were put and the motion here adopted.

Clause 1, as amended, was added to the Bill.

THE ENACTING FORMULA

SHRI M. ARUNACHALAM: I move:

1. "That at page 1, line 1, *for* the word *"forty-fourth"* the word "Forty-seventh" be *substituted."*

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was aided to the Bill.

SHRI M. ARUNACHALAM: Madam, I beg to move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1996

THE DEPUTY CHAIRMAN: Now, we have the Representation of the People (Amendment) Bill, 1996. I have to tell the Members that I have got a lot of names before me. I leave it to the Members whether they want to have the President's signature on the Bill today....

SHRIMATI JAYANTHI NATARAJAN: (Tamil Nadu): Madam, I want to cooperate. *Ord. 24 of 1996. Repeal of Saving.* I think it is most unfair on the part of the Government to bring such an important Bill. We have given amendments. Now, the Government says, "Pass it without discussion because it lapses tomorrow. The president has to sign it." What were they doing? The notification is coming tomorrow. The president has to sign it. All this really shows that they are taking the House for granted. Madam, we have to speak on this Bill. It is such an important Bill. I got so many things to say on the Bill. It is not something that can be done lightly. The Government is really taking the House for granted. I move my amendments also. There has to be an end to this. Every day you cannot bring a Bill in one hour and circulate it half-an-hour before and then ask us to pass it withing half-an-hour. This is too much.

SHRI SATISH AGARWAL (Rajasthan) : Madam, I share the concern expressed by my colleague. On my behalf and on behalf of my party, I would like to express our concern about the manner in which this Bill is being sought to be hurried through. It is such an important piece of legislation. Mr. Gurudas Das Gupta came to me and told me that we should pass this Bill without delay. Madam, how many Bills should we pass without a debate? To what extent, you seek our cooperation? After all, what should we do? We are also very keen that this Bill should be passed. Many important amendments have been moved by Mr. Vayalar Ravi and we are in agreement with some of his amendments.

SHRIMATI MARGARET ALVA (Karnataka): These amendments have not been circulated by the Minister of Parliamentary Affairs.

SHRI PRANAB MUKHERJEE (West Bengal): Madam, as you have pointed out, there is a time constraint. We are fully aware of it. My submission to the House would be, all the amendments which have been moved by the Members, I hope are in the possession of the Government. I understand that the